

HB 231

2010

1 A bill to be entitled
2 An act relating to statewide assessments; amending s.
3 1008.22, F.S.; revising provisions relating to the
4 schedule for administering comprehensive statewide
5 assessments; providing that a comprehensive statewide
6 assessment may be administered the week before the week of
7 April 15 if a religious holiday occurs during that week;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraph (c) of subsection (3) of section
13 1008.22, Florida Statutes, is amended to read:

14 1008.22 Student assessment program for public schools.--
15 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
16 design and implement a statewide program of educational
17 assessment that provides information for the improvement of the
18 operation and management of the public schools, including
19 schools operating for the purpose of providing educational
20 services to youth in Department of Juvenile Justice programs.
21 The commissioner may enter into contracts for the continued
22 administration of the assessment, testing, and evaluation
23 programs authorized and funded by the Legislature. Contracts may
24 be initiated in 1 fiscal year and continue into the next and may
25 be paid from the appropriations of either or both fiscal years.
26 The commissioner is authorized to negotiate for the sale or
27 lease of tests, scoring protocols, test scoring services, and
28 related materials developed pursuant to law. Pursuant to the

29 | statewide assessment program, the commissioner shall:
30 | (c) Develop and implement a student achievement testing
31 | program known as the Florida Comprehensive Assessment Test
32 | (FCAT) as part of the statewide assessment program to measure a
33 | student's content knowledge and skills in reading, writing,
34 | science, and mathematics. Other content areas may be included as
35 | directed by the commissioner. Comprehensive assessments of
36 | reading and mathematics shall be administered annually in grades
37 | 3 through 10. Comprehensive assessments of writing and science
38 | shall be administered at least once at the elementary, middle,
39 | and high school levels. End-of-course assessments for a subject
40 | may be administered in addition to the comprehensive assessments
41 | required for that subject under this paragraph. An end-of-course
42 | assessment must be rigorous, statewide, standardized, and
43 | developed or approved by the department. The content knowledge
44 | and skills assessed by comprehensive and end-of-course
45 | assessments must be aligned to the core curricular content
46 | established in the Sunshine State Standards. The commissioner
47 | may select one or more nationally developed comprehensive
48 | examinations, which may include, but need not be limited to,
49 | examinations for a College Board Advanced Placement course,
50 | International Baccalaureate course, or Advanced International
51 | Certificate of Education course or industry-approved
52 | examinations to earn national industry certifications as defined
53 | in s. 1003.492, for use as end-of-course assessments under this
54 | paragraph, if the commissioner determines that the content
55 | knowledge and skills assessed by the examinations meet or exceed
56 | the grade level expectations for the core curricular content

57 | established for the course in the Next Generation Sunshine State
58 | Standards. The commissioner may collaborate with the American
59 | Diploma Project in the adoption or development of rigorous end-
60 | of-course assessments that are aligned to the Next Generation
61 | Sunshine State Standards. The testing program must be designed
62 | as follows:

63 | 1. The tests shall measure student skills and competencies
64 | adopted by the State Board of Education as specified in
65 | paragraph (a). The tests must measure and report student
66 | proficiency levels of all students assessed in reading, writing,
67 | mathematics, and science. The commissioner shall provide for the
68 | tests to be developed or obtained, as appropriate, through
69 | contracts and project agreements with private vendors, public
70 | vendors, public agencies, postsecondary educational
71 | institutions, or school districts. The commissioner shall obtain
72 | input with respect to the design and implementation of the
73 | testing program from state educators, assistive technology
74 | experts, and the public.

75 | 2. The testing program shall be composed of criterion-
76 | referenced tests that shall, to the extent determined by the
77 | commissioner, include test items that require the student to
78 | produce information or perform tasks in such a way that the core
79 | content knowledge and skills he or she uses can be measured.

80 | 3. Beginning with the 2008-2009 school year, the
81 | commissioner shall discontinue administration of the selected-
82 | response test items on the comprehensive assessments of writing.
83 | Beginning with the 2012-2013 school year, the comprehensive
84 | assessments of writing shall be composed of a combination of

85 selected-response test items, short-response performance tasks,
86 and extended-response performance tasks, which shall measure a
87 student's content knowledge of writing, including, but not
88 limited to, paragraph and sentence structure, sentence
89 construction, grammar and usage, punctuation, capitalization,
90 spelling, parts of speech, verb tense, irregular verbs, subject-
91 verb agreement, and noun-pronoun agreement.

92 4. A score shall be designated for each subject area
93 tested, below which score a student's performance is deemed
94 inadequate. The school districts shall provide appropriate
95 remedial instruction to students who score below these levels.

96 5. Except as provided in s. 1003.428(8)(b) or s.
97 1003.43(11)(b), students must earn a passing score on the grade
98 10 assessment test described in this paragraph or attain
99 concordant scores as described in subsection (10) in reading,
100 writing, and mathematics to qualify for a standard high school
101 diploma. The State Board of Education shall designate a passing
102 score for each part of the grade 10 assessment test. In
103 establishing passing scores, the state board shall consider any
104 possible negative impact of the test on minority students. The
105 State Board of Education shall adopt rules which specify the
106 passing scores for the grade 10 FCAT. Any such rules, which have
107 the effect of raising the required passing scores, shall apply
108 only to students taking the grade 10 FCAT for the first time
109 after such rules are adopted by the State Board of Education.

110 6. Participation in the testing program is mandatory for
111 all students attending public school, including students served
112 in Department of Juvenile Justice programs, except as otherwise

113 prescribed by the commissioner. If a student does not
114 participate in the statewide assessment, the district must
115 notify the student's parent and provide the parent with
116 information regarding the implications of such nonparticipation.
117 A parent must provide signed consent for a student to receive
118 classroom instructional accommodations that would not be
119 available or permitted on the statewide assessments and must
120 acknowledge in writing that he or she understands the
121 implications of such instructional accommodations. The State
122 Board of Education shall adopt rules, based upon recommendations
123 of the commissioner, for the provision of test accommodations
124 for students in exceptional education programs and for students
125 who have limited English proficiency. Accommodations that negate
126 the validity of a statewide assessment are not allowable in the
127 administration of the FCAT. However, instructional
128 accommodations are allowable in the classroom if included in a
129 student's individual education plan. Students using
130 instructional accommodations in the classroom that are not
131 allowable as accommodations on the FCAT may have the FCAT
132 requirement waived pursuant to the requirements of s.
133 1003.428(8)(b) or s. 1003.43(11)(b).

134 7. A student seeking an adult high school diploma must
135 meet the same testing requirements that a regular high school
136 student must meet.

137 8. District school boards must provide instruction to
138 prepare students to demonstrate proficiency in the core
139 curricular content established in the Next Generation Sunshine
140 State Standards adopted under s. 1003.41, including the core

141 content knowledge and skills necessary for successful grade-to-
142 grade progression and high school graduation. If a student is
143 provided with instructional accommodations in the classroom that
144 are not allowable as accommodations in the statewide assessment
145 program, as described in the test manuals, the district must
146 inform the parent in writing and must provide the parent with
147 information regarding the impact on the student's ability to
148 meet expected proficiency levels in reading, writing, and
149 mathematics. The commissioner shall conduct studies as necessary
150 to verify that the required core curricular content is part of
151 the district instructional programs.

152 9. District school boards must provide opportunities for
153 students to demonstrate an acceptable level of performance on an
154 alternative standardized assessment approved by the State Board
155 of Education following enrollment in summer academies.

156 10. The Department of Education must develop, or select,
157 and implement a common battery of assessment tools that will be
158 used in all juvenile justice programs in the state. These tools
159 must accurately measure the core curricular content established
160 in the Sunshine State Standards.

161 11. For students seeking a special diploma pursuant to s.
162 1003.438, the Department of Education must develop or select and
163 implement an alternate assessment tool that accurately measures
164 the core curricular content established in the Sunshine State
165 Standards for students with disabilities under s. 1003.438.

166 12. The Commissioner of Education shall establish
167 schedules for the administration of statewide assessments and
168 the reporting of student test results. The commissioner shall,

HB 231

2010

169 by August 1 of each year, notify each school district in writing
170 and publish on the department's Internet website the testing and
171 reporting schedules for, at a minimum, the school year following
172 the upcoming school year. The testing and reporting schedules
173 shall require that:

174 a. There is the latest possible administration of
175 statewide assessments and the earliest possible reporting to the
176 school districts of student test results which is feasible
177 within available technology and specific appropriations;
178 however, test results must be made available no later than the
179 final day of the regular school year for students.

180 b. Beginning with the 2010-2011 school year, a
181 comprehensive statewide assessment of writing is not
182 administered earlier than the week of March 1 and a
183 comprehensive statewide assessment of any other subject is not
184 administered earlier than the week of April 15. However, if any
185 religious holiday, including, but not limited to, Passover and
186 Easter, occurs during the week of April 15, the comprehensive
187 statewide assessment may be administered the week before the
188 week during which the religious holiday occurs.

189 c. A statewide standardized end-of-course assessment is
190 administered within the last 2 weeks of the course.

191
192 The commissioner may, based on collaboration and input from
193 school districts, design and implement student testing programs,
194 for any grade level and subject area, necessary to effectively
195 monitor educational achievement in the state, including the
196 measurement of educational achievement of the Sunshine State

HB 231

2010

197 Standards for students with disabilities. Development and
198 refinement of assessments shall include universal design
199 principles and accessibility standards that will prevent any
200 unintended obstacles for students with disabilities while
201 ensuring the validity and reliability of the test. These
202 principles should be applicable to all technology platforms and
203 assistive devices available for the assessments. The field
204 testing process and psychometric analyses for the statewide
205 assessment program must include an appropriate percentage of
206 students with disabilities and an evaluation or determination of
207 the effect of test items on such students.

208 Section 2. This act shall take effect July 1, 2010.